



General Assembly

January Session, 2011

***Raised Bill No. 6494***

LCO No. 3959

\*03959\_\_\_\_\_GAE\*

Referred to Committee on Government Administration and Elections

Introduced by:  
(GAE)

***AN ACT CONCERNING CLAIMS OF THE STATE FOR REPAYMENT OF AID AND PARENTAL LIABILITY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 17b-93 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2011*):

4 (a) If a beneficiary of aid under the state supplement program,  
5 medical assistance program, aid to families with dependent children  
6 program, temporary family assistance program or state-administered  
7 general assistance program has or acquires property of any kind or  
8 interest in any property, estate or claim of any kind, except moneys  
9 received for the replacement of real or personal property, the state of  
10 Connecticut shall have a claim subject to subsections (b) and (c) of this  
11 section, which shall have priority over all other unsecured claims and  
12 unrecorded encumbrances, against such beneficiary for the full  
13 amount paid, subject to the provisions of section 17b-94, as amended  
14 by this act, to him or on his behalf under said programs; and, in  
15 addition thereto, the parents of an aid to dependent children

16 beneficiary, a state-administered general assistance beneficiary or a  
17 temporary family assistance beneficiary shall be liable to repay, subject  
18 to the provisions of [said] section 17b-94, as amended by this act, to the  
19 state the full amount of any such aid paid to or on behalf of either  
20 parent, his spouse, and his dependent child or children, as defined in  
21 section 17b-75. The state of Connecticut shall have a lien against  
22 property of any kind or interest in any property, estate or claim of any  
23 kind of the parents of an aid to dependent children beneficiary, in  
24 addition and not in substitution of its claim, for amounts owing under  
25 any order for support of any court or any family support magistrate,  
26 including any arrearage under such order, provided household goods  
27 and other personal property identified in section 52-352b, real property  
28 pursuant to section 17b-79, as long as such property is used as a home  
29 for the beneficiary and money received for the replacement of real or  
30 personal property, shall be exempt from such lien.

31 Sec. 2. Section 17b-94 of the general statutes is repealed and the  
32 following is substituted in lieu thereof (*Effective July 1, 2011*):

33 (a) In the case of causes of action of beneficiaries of aid under the  
34 state supplement program, medical assistance program, aid to families  
35 with dependent children program, temporary family assistance  
36 program or state-administered general assistance program, subject to  
37 subsections (b) and (c) of section 17b-93, or of a parent [of a beneficiary  
38 of the aid to families with dependent children program, the temporary  
39 family assistance program or the state-administered general assistance  
40 program] liable to repay the state under the provisions of section 17b-  
41 93, as amended by this act, the claim of the state shall be a lien against  
42 the proceeds therefrom in the amount of the assistance paid or fifty per  
43 cent of the proceeds received by such beneficiary or such parent after  
44 payment of all expenses connected with the cause of action, whichever  
45 is less, for repayment under [said] section 17b-93, as amended by this  
46 act, and shall have priority over all other claims except attorney's fees  
47 for said causes, expenses of suit, costs of hospitalization connected  
48 with the cause of action by whomever paid over and above hospital

49 insurance or other such benefits, and, for such period of  
50 hospitalization as was not paid for by the state, physicians' fees for  
51 services during any such period as are connected with the cause of  
52 action over and above medical insurance or other such benefits; and  
53 such claim shall consist of the total assistance repayment for which  
54 claim may be made under said programs. The proceeds of such causes  
55 of action shall be assignable to the state for payment of the amount due  
56 under [said] section 17b-93, as amended by this act, irrespective of any  
57 other provision of law. Upon presentation to the attorney for the  
58 beneficiary of an assignment of such proceeds executed by the  
59 beneficiary or his conservator or guardian, such assignment shall  
60 constitute an irrevocable direction to the attorney to pay the  
61 Commissioner of Administrative Services in accordance with its terms,  
62 except if, after settlement of the cause of action or judgment thereon,  
63 the Commissioner of Administrative Services does not inform the  
64 attorney for the beneficiary of the amount of lien which is to be paid to  
65 the Commissioner of Administrative Services within forty-five days of  
66 receipt of the written request of such attorney for such information,  
67 such attorney may distribute such proceeds to such beneficiary and  
68 shall not be liable for any loss the state may sustain thereby.

69 (b) In the case of an inheritance of an estate by a beneficiary of aid  
70 under the state supplement program, medical assistance program, aid  
71 to families with dependent children program, temporary family  
72 assistance program or state-administered general assistance program,  
73 subject to subsections (b) and (c) of section 17b-93 or of a parent liable  
74 to repay the state under the provisions of section 17b-93, as amended  
75 by this act, fifty per cent of the assets of the estate payable to the  
76 beneficiary or such parent or the amount of such assets equal to the  
77 amount of assistance paid, whichever is less, shall be assignable to the  
78 state for payment of the amount due under [said] section 17b-93, as  
79 amended by this act. The state shall have a lien against such assets in  
80 the applicable amount specified in this subsection. The Court of  
81 Probate shall accept any such assignment executed by the beneficiary  
82 or parent or any such lien notice if such assignment or lien notice is

83 filed by the Commissioner of Administrative Services with the court  
 84 prior to the distribution of such inheritance, and to the extent of such  
 85 inheritance not already distributed, the court shall order distribution in  
 86 accordance [therewith] with such assignment or lien notice. If the  
 87 Commissioner of Administrative Services receives any assets of an  
 88 estate pursuant to any such assignment, the commissioner shall be  
 89 subject to the same duties and liabilities concerning such assigned  
 90 assets as the beneficiary or parent.

91 Sec. 3. Section 17b-224 of the general statutes is repealed and the  
 92 following is substituted in lieu thereof (*Effective July 1, 2011*):

93 A patient who is receiving or has received care in a state humane  
 94 institution, his estate or both shall be liable to reimburse the state for  
 95 any unpaid portion of per capita cost to the same extent as the liability  
 96 of a public assistance beneficiary under sections 17b-93, as amended by  
 97 this act, and 17b-95, subject to the same protection of a surviving  
 98 spouse or dependent child as is [therein] provided in section 17b-95  
 99 and subject to the same limitations and the same assignment and lien  
 100 rights as provided in section 17b-94, as amended by this act.

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|---|---------------------|-----------|
| This act shall take effect as follows and shall amend the following sections: |                     |           |
| Section 1   | <i>July 1, 2011</i> | 17b-93(a) |
| Sec. 2  | <i>July 1, 2011</i> | 17b-94    |
| Sec. 3  | <i>July 1, 2011</i> | 17b-224   |

**Statement of Purpose:**

To clarify that parental liability to the state is limited to the cost of aid and care received by a parent's dependent child, that the state has lien rights to recover the state's claim for aid paid, and to limit such lien to fifty per cent of the amount of money or property received by the beneficiary that the state is making a claim to.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

